HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.20636 of 2004

Dated this the 18th day of December 2007

Between:

K. Shanatiah … Petitioner

AND

The Commissioner of Endowments,
Endowments Department,
Andhra Pradesh, Hyderabd.
and another … Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.20636 of 2004

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the action of the second respondent-Assistant Commissioner of Endowments, Karimnagar in issuing notice dated 26.10.2004 under Section 15 (3) of the Andhra Pradesh Endowments Act, 1987 (for short 'the Act') for appointing fresh Board of Trustees of subject Temple is illegal, arbitrary and unconstitutional and consequently direct the second respondent not to interfere with the petitioner's continuance as Trustee of the Temple in any manner whatsoever.

2) The learned counsel for the petitioner represented that on 26.10.2004 the second respondent issued proceedings rejecting the plea of the petitioner for the claim of the declaration as member of the founder's family. Being aggrieved by the same, the petitioner preferred an appeal before the Deputy Commissioner of Endowments, Karimnagar under Section 87-H of the Act and the same is pending.

Simultaneously, the writ petitioner filed the present writ petition challenging the constitution of a Trust Board without recognizing him as member of the founder's family.

3) Since the matter is pending before the Deputy Commissioner of Endowments, Karimangar, it is desirable to wait for the result and then the petitioner can agitate if there is any grievance against the order passed by the Deputy Commissioner. At the time of filing of the writ petition, the respondents were directed not to finalize the names of the Trustees to constitute the Trust Board and it is continuing till then. In the light of the appeal pending before the Deputy Commissioner of Endowments, Karimangar, it is not desirable to pass any orders in this writ petition.

4) Accordingly, the writ petition is disposed of directing the Deputy Commissioner of Endowments, Karimangar to pass appropriate orders in the appeal preferred by the petitioner, within four weeks from the date of receipt of copy of this order. The interim stay granted by this Court on 09.11.2004 shall continue till the disposal of the appeal pending before the Deputy Commissioner of Endowments. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 18-12-2007
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